

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TYRONE HURT,

No. C-12-3052 EMC

Plaintiff,

No. 12-17174

v.

United States Court of Appeals  
for the Ninth Circuit

AMERICAN GOVERNORS, *et al.*,

Defendants.

**ORDER RE PLAINTIFF'S *IN FORMA*  
*PAUPERIS* APPEAL**


The Ninth Circuit has made a referral to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal. Title 28 U.S.C. § 1915(a)(3) provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). Courts have generally construed this to mean that an appeal must not be frivolous. *See, e.g., Coppedge v. United States*, 369 U.S. 438, 445 (1962) (holding “‘good faith’ . . . must be judged by an objective standard”; also noting “good faith” is demonstrated when appellant seeks review “of any issue not frivolous”); *Ellis v. United States*, 356 U.S. 674, 674 (1958) (stating that, “[i]n the absence of some evident improper motive, the applicant’s good faith is established by the presentation of any issue that is not plainly frivolous”); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (stating that, “[i]f at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole”).

1 In the instant case, the Court concludes there are no valid grounds on which to base an  
2 appeal. The Court thus certifies that Mr. Hurt's appeal has not been taken in good faith and revokes  
3 his *in forma pauperis* status.

4 **The Clerk of the Court shall serve a copy of this order both on Mr. Hurt and the Ninth**  
5 **Circuit.**

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7 IT IS SO ORDERED.

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9 Dated: October 2, 2012

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12 EDWARD M. CHEN  
13 United States District Judge  
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